

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EVA JEANETTE BENTLEY,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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Civil Action No. 3:10-CV-0032-L

ORDER

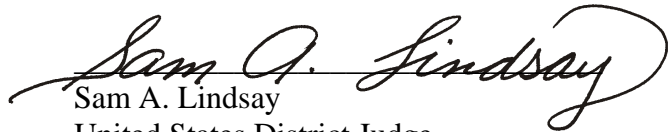
Before the court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”), filed February 24, 2011; and Defendant’s Notice to the Court on the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, filed March 11, 2011.

Plaintiff Eva Jeanette Bentley (“Bentley” or “Plaintiff”) filed this appeal from the decision of the Commissioner of the Social Security Administration (“Commissioner”) denying her claim for Supplemental Security Income under Title XVI of the Social Security Act. Plaintiff contests the findings of the administrative law judge (“ALJ”) who considered her case, arguing that Defendant erroneously found that she was not disabled after August 29, 2007. Specifically, Plaintiff contends that the ALJ improperly weighed the opinion of Plaintiff’s treating physicians; the opinion was not based on substantial evidence; and the ALJ improperly discredited Plaintiff’s credibility. Plaintiff further alleges that the decision must be reversed and remanded because the ALJ failed to indicate which listing(s) of impairments he considered or provide any reasoning as to why Plaintiff’s impairments failed to meet the criteria for the listing(s). Last, Plaintiff contends that the decision

must be reversed and remanded because the occupations that the ALJ found Plaintiff could perform were not based on the residual functional capacity stated in the hypothetical to the vocational expert and the vocational expert's testimony was inconsistent with the *Dictionary of Occupational Titles*, U.S. Dep't of Labor, (4th ed., rev. 1991). The magistrate judge, after a careful analysis, determined that the ALJ's decision and related findings were not supported by substantial evidence in the record. The magistrate judge recommended that the part of the final decision of the Commissioner that found that Plaintiff was not disabled after August 29, 2007, be reversed and remanded for further proceedings before an alternate ALJ.

After an independent review of the pleadings, file, record, applicable law, and the magistrate judge's findings and conclusions, the court determines that the magistrate judge's findings and conclusions are correct. They are therefore **accepted** as those of the court. Accordingly, the court **reverses** that portion of the Commissioner's final decision as herein stated and **remands** this case to the Commissioner for further proceedings consistent with this order.

It is so ordered this 16th day of March, 2011.


Sam A. Lindsay
United States District Judge